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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/414,712	10/08/1999	TIM W. SIMERLY	9852-003	3761

7590 05/06/2004

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EXAMINER

MCARDLE, JOSEPH M

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 05/06/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/414,712

Applicant(s)

SIMERLY ET AL.

Examiner

Joseph McArdle

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/9/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 9-11, 13-21, 24, 29-31, 34, 35, 39-41, 45-47 and 49-57 is/are rejected.
- 7) ☒ Claim(s) 12, 22, 23, 25-28, 32, 33, 36-38 and 42-44 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 October 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 and 3. 6) ☐ Other: _____

DETAILED ACTION

Applicant's arguments and Amendments to claims are persuasive in overcoming the grounds of rejection set forth in the previous office action. However, newly discovered prior art has necessitated new grounds of rejection. The new grounds of rejection appear below. The delay in citation of the new grounds of rejection is regretted.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1,3, 7, 9, 10, 21, 39, 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fryer (6233428) in view of Seeley (6069655). In regards to claim 1, Fryer discloses in column 6, lines 12-23, and in figure 1, a remote monitoring system which includes cameras that are capable of transmitting live video feeds over a communication network to subscribers. Fryer further discloses in column 6, lines 35-40, 54-67 and figure 2, an administrative server which is coupled to an internet service provider for controlling subscriber access to video feeds (see column 8, lines 18-42 for specific authentication criterion). Fryer further discloses in the aforementioned locations that a subscriber computer is linked to the broadcast servers through their own Internet Service Providers. These disclosures meet the limitations set forth under claim 1 which

call for having a camera unit that captures and transmits video signals over a communication network comprised of a customer server, customer work station and an administrator server which serves to control access to the video feeds. However, Fryer's design makes no mention of allowing the camera unit to perform at least one of the following: to transmit either a snap shot or an event clip upon detecting a predefined event, to simultaneously transmit both a snap shot and an event clip upon detecting a predetermined event, and to detect different predefined events based upon the time of day. Seeley teaches in column 3, lines 23-36 that monitoring continuous video requires constant vigilance by an operator and that this is a serious problem b/c an operator monitoring unchanging video becomes quickly distracted. Seeley then discloses in column 3, lines 45-59 and in column 4, lines 46-49 that a way to overcome this problem is to provide the operator at a control station with high resolution snap shots of when a specific event occurs such as an intrusion. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute Seeley's teachings on transmitting snap shots into Fryer's design in order to achieve a design that is capable of allowing the camera unit to transmit snap shots upon the detection of a predefined event.

2. In regards to claim 3, Fryer further discloses in column 8, lines 18-21, that a subscriber can choose to sign-in and view a live video feed. This meets the exact limitations set forth under claim 3, which call for transmitting video signals over a communication network in response to receiving a request from a user at a customer work station.

3. In regards to claim 9, Fryer further discloses in column 6, lines 47-53, that video stream being generated by the camera may be supplied directly to the broadcast server or be recorded for delayed broadcasting. This disclosure meets the limitations set forth under claim 9, which calls for allowing the camera to operate in a plurality of modes.

4. In regards to claim 10, Fryer further discloses in column 6, lines 47-53, that the subscriber can be given the option to remotely choose whether they want to watch in live mode or recorded mode. This meets the exact limitations of claim 10.

5. In regards to claim 21, Fryer further discloses in column 8, lines 27-30, that when a subscriber wishes to gain access to the system they must supply a username and password which is then compared to a subscriber database in order to determine the subscriber's current status. This meets the limitations set forth under claim 21, which call for comparing inputted user identification information against a database of monitored sites to which the user may access.

6. In regards to claim 39, Fryer further discloses in figure 1 and in column 6, lines 24-34 a computer connected to a broadcast server containing firewall software for preventing unauthorized access to the local area network. This meets the limitations of claim 39, which call for having at least one administrative workstation coupled to an administrative server.

7. In regards to claims 40 and 41, Fryer further discloses in figure 4, a graphical user interface that is provided at a customer workstation, which displays the events occurring at a plurality of cameras. This meets the exact limitations of claim 40, which

call for having a graphical user interface located at an administrator or customer workstation, which displays event duration for a plurality of cameras.

8. Claims 2, 5, 11, 29, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fryer and Seeley as applied to claim 1 above, and further in view of Broady (5495288). In regards to claims 2, 5, 29, 30, and 31 Fryer and Seeley's design disclosed above meets all of the aforementioned limitations set forth by claim 1. However, Fryer and Seeley's design does not allow for activating the system and transmitting event packets upon the detection of a predetermined event. Broady discloses in column 3, lines 12-14, that an activation unit, containing sensors (such as motion sensors) is used to detect conditions for which the surveillance system should be activated. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute Broady's teachings on the use of sensor activation into Fryer and Seeley's design in order to achieve a design that is capable activating the system and transmitting event packets upon the detection of a predefined event by a sensor.

9. In regards to claim 11, Fryer and Seeley's design disclosed above meets all of the aforementioned limitations of claim 1. However, Fryer and Seeley's design does not mention the use of a glass break detector. Broady discloses this exact limitation in column 3, line 16. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute Broady's teaching on the use of a glass break

detector into Fryer and Seeley's design in order to achieve a design that incorporates a glass break detector.

10. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fryer and Seeley as applied to claim 1 above, and further in view of Courtney (5969755). In regards to claim 4, Fryer and Seeley's design disclosed above meets all of the limitations of claim 1. However, Fryer and Seeley's design makes no mention of tagging video or audio signals based upon detecting predefined events. Courtney discloses an event detection system in column 5, lines 12-23, in which a user may choose to view video clips that have been tagged as a result of a predefined event. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute Courtney's teachings on the use of event tags into Fryer and Seeley's design in order to achieve a design that is capable of tagging video or audio signals based upon detecting predefined events.

11. Claims 45, 46, 47, 49, 50, and 51 as being unpatentable over Fryer in view of Broady in view of Seeley. In regards to claim 45, Fryer discloses in column 6, lines 12-23, and in figure 1, a remote monitoring system which includes cameras that are capable of transmitting live video feeds over a communication network to subscribers. However, Fryer's design does not mention detecting a predefined event. Broady discloses a design in column 3, lines 12-14, in which an activation unit containing

sensors (such as motion sensors) is used to detect conditions for which the surveillance system should be activated. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute Broady's teachings on the use of an activation unit containing sensors for detecting predefined events into Fryers design in order to achieve a design that is capable of capturing and transmitting video signals over a communication network to a customer workstation after it is determined that a predefined event occurred. However, the Fryer-Broady combination makes no mention of having at least one camera unit that can be remotely configured by at least one customer workstation. Seeley teaches in column 10, lines 19-26 that an operator (customer workstation) can control the camera and perform operations such as panning, tilting and zooming. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute Seeley's teachings on allowing an operator (customer workstation) to configure a camera unit into the Fryer-Broady combination in order to achieve a design that is capable of giving an operator (customer workstation) the power to remotely configure a camera unit for the purpose of capturing images of interest.

12. In regards to claim 46, Fryer further discloses in column 5, lines 29-30, that access to live broadcasts over the communication network can obtained only by verification of the subscriber status and identity. This meets the exact limitations of claim 46 which calls for only allowing a video feed to be communicated to a customer workstation if that customer workstation is authenticated to receive the video feed.

13. In regards to claim 47, Fryer further discloses in column 6, lines 12-23, and in figure 1, a remote monitoring system which includes cameras that are capable of transmitting live video feeds over a network to subscribers. Fryer also discloses in column 4, lines 49-51, that audio signals as well as video signals may be transmitted. This meets the limitations set forth under claim 47 which call for having a camera unit which is capable of capturing and transmitting audio signals over a communication network in response to a predefined event.

14. In regards to claim 49, The Fryer-Broadly-Seeley design mentioned above meets all of the aforementioned limitations of claim 45. Broadly further discloses in column 3, lines 15-20, that a plurality of sensors may be used to detect a predefined event. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute Broadly's teachings on the use of sensors to detect predefined events into The Fryer-Broadly-Seeley design in order to achieve a design that is capable of detecting predefined events through the use of sensors.

15. In regards to claim 50, Fryer further discloses in column 4, lines 49-51, that the communications network is the Internet. This meets the exact limitations of claim 50.

16. In regards to claim 51, Fryer further discloses in column 6, lines 47-53, that the video stream generated by a camera may be recorded for playback at a future time by a

subscriber. This meets the limitations set forth by claim 51, which call for storing the frames of video in a buffer before transmitting them over the communications network.

17. Claims 52-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fryer in view of Broady in view of Seeley. In regards to claim 52, Fryer discloses in column 6, lines 12-23, and in figure 1, a remote monitoring system which includes cameras that are capable of capturing and transmitting live video feeds over a communication network to subscribers. However, Fryer's design does not mention detecting a predefined event. Broady discloses a design in column 3, lines 12-14, in which an activation unit containing sensors (such as motion sensors) is used to detect conditions for which the surveillance system should be activated. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute Broady's teachings on the use of an activation unit containing sensors for detecting predetermined events into Fryers design in order to achieve a design that is capable of capturing and transmitting video signals over a communication network to a customer workstation after it is determined that a predefined event occurred. However, the Fryer-Broaday combination makes no mention of having at least one camera unit that can be remotely configured by at least one customer workstation. Seeley teaches in column 10, lines 19-26 that an operator (customer workstation) can control the camera and perform operations such as panning, tilting and zooming. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute Seeley's teachings on allowing an operator (customer workstation) to

configure a camera unit into the Fryer-Broady combination in order to achieve a design that is capable of giving an operator (customer workstation) the power to remotely configure a camera unit for the purpose of capturing images of interest.

18. In regards to claims 53 and 54, Fryer and Broady's design mentioned above meets all of the aforementioned limitations of claim 52. Broady further discloses in column 3, lines 15-20, that a plurality of sensors may be used to detect predefined events. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute Broady's teachings on the use of sensors for detecting predefined events into Fryer's design in order to achieve a design that is capable of detecting predefined events through the use of sensors.

19. In regards to claim 55, Fryer further discloses in column 6, lines 47-53, that the video stream generated by a camera may be recorded for playback at a future time by a subscriber. This meets the limitations set forth by claim 55, which call for storing the frames of video in a buffer before transmitting them over the communication network.

20. In regards to claim 56, Fryer further discloses in column 5, lines 29-30, that access to live broadcasts over the communication network can be obtained only by verification of the subscriber status and identity. This meets the exact limitations of claim 56, which call for only allowing a video feed to be communicated to a customer workstation if that customer workstation is authenticated to receive the video feed.

21. In regards to claim 57, Fryer further discloses in column 6, lines 12-23, and in figure 1, a remote monitoring system which includes cameras that are capable of transmitting live video feeds over a network to subscribers. Fryer also discloses in column 4, lines 49-51, that audio signals as well as video signals may be transmitted. This meets the limitations set forth under claim 57 which call for having a camera unit which is capable of capturing and transmitting audio signals over a communications network in response to a predefined event.

22. Claims 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fryer and Seeley as applied to claim 1 above, and further in view of Hansen (6081606). In regards to claims 13, Fryer and Seeley's design disclosed above meets all of the aforementioned limitations set forth under claim 1. However, Fryer and Seeley's design does not make use of a motion detector for analyzing captured images. Hansen discloses in column 3, lines 38-56, a motion detection apparatus that is capable of detecting and analyzing an objects motion. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute Hansen's teachings on the use of a motion detector into Fryer and Seeley's design in order to achieve a design that is capable of detecting and analyzing an objects motion.

23. In regards to claim 14, Fryer, Seeley and Hansen's design disclosed above meets all the limitations set forth by claim 13. Hansen further teaches in column 3, lines

38-56, that motion analysis is able to be performed by storing input images and then making comparisons to determine if objects are moving relative to the background. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute Hansen's teachings on motion detection analysis into Fryer, Seeley and Hansen's design in order to achieve a design that is capable of analyzing and determining if objects are moving relative to background images.

24. In regards to claim 15, Fryer, Seeley and Hansen's design disclosed above meets all the limitations set forth by claim 13. Hansen further teaches in column 4, lines 48-65, that in response to motion detection, the rate at which the frames are analyzed can be adjusted to become either faster or slower depending on the speed of the detected object. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute Hansen's teachings on varying the frame rate in response to detected motion into Fryer, Seeley and Hansen's design in order to achieve a design that is capable of altering one or more characteristics associated with the video such as the frame rate.

25. In regards to claim 16, Fryer, Seeley and Hansen's design disclosed above meets all the limitations set forth by claim 13. Hansen further teaches in column 3, lines 38-56, a motion detection apparatus that is capable of detecting and analyzing an objects motion. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute Hansen's teachings on the use of object detection

into Fryer, Seeley and Hansen's design in order to achieve a design that is capable of detecting and analyzing an objects motion.

26. In regards to claim 17, Fryer, Seeley and Hansen's design disclosed above meets all the limitations set forth by claim 13. Hansen further teaches in column 7, lines 36-41, that the speed of an area of interest is one criterion that can be measured. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute Hansen's teachings on the use of speed detection into Fryer, Seeley and Hansen's design in order to achieve a design that is capable of determining the speed of an object.

27. In regards to claim 18, Fryer, Seeley and Hansen's design disclosed above meets all the limitations set forth by claim 13. Hansen further teaches in column 7, lines 36-41, that the speed of an area of interest is one criterion that can be measured and compared to certain alarm criteria in order to determine if action is to be taken. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute Hansen's teachings on the use of speed detection as an alarm criterion into Fryer, Seeley and Hansen's design in order to achieve a design that is capable transmitting an event packet over the network based upon the speed of the detected object.

28. In regards to claim 19, Fryer, Seeley and Hansen's design disclosed above meets all the limitations set forth by claim 13. Hansen further teaches in column 7, lines 36-41, that the direction of an area of interest is one criterion that can be measured. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute Hansen's teachings on the use of direction detection into Fryer, Seeley and Hansen's design in order to achieve a design that is capable of determining the direction of movement of an object.

29. In regards to claim 20, Fryer, Seeley and Hansen's design disclosed above meets all the limitations set forth by claim 13. Hansen further teaches in column 7, lines 36-41, that the direction of movement of an area of interest is one criterion that can be measured and compared against certain alarm criteria in order to determine if action is to be taken. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute Hansen's teachings on the use direction of movement as an alarm criterion into Fryer, Seeley and Hansen's design in order to achieve a design that is capable transmitting an event packet over the network based upon the direction of movement of the detected object.

30. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fryer and Seeley's design as applied to claim 1 above and in further view of Aviv (5666157). Fryer and Seeley's design disclosed above meets all of the aforementioned limitations of claim 1. However, Fryer and Seeley's design makes no mention of automatically

contacting one or more of the local police, local fire department, and customer contact. Aviv discloses in column 8, lines 51-56, that the police department will be automatically notified at the instant an alarm signal is detected. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute Aviv's teachings on the use of notifying the police upon the detection of an alarm into Fryer and Seeley's design in order to achieve a design that is capable of automatically notifying an appropriate person or group of people upon the receipt of event packet information.

31. Claims 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fryer and Seeley's design as applied to claim 1 above and in further view of Swanson (5689442). Fryer and Seeley's design disclosed above meets all of the aforementioned limitations of claim 1. Fryer further discloses in figure 6 that the video stream can be split into multiple video streams. However Fryer and Seeley's design makes no mention of what compression algorithm standard is to be used. Swanson discloses in column 11, lines 39-47, that the JPEG compression standard or any other suitable compression standards can be used to transmit video signals. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute Swanson's teachings on compression standards into Fryer and Seeley's design in order to achieve a design that is capable of transmitting video signals in multiple compression algorithm standards such as JPEG and H.263.

Allowable Subject Matter


32. Claims 12, 22, 23, 25-28, 32, 33, 36-38 and 42-44 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph McArdle whose telephone number is (703) 305-7515. The examiner can normally be reached on Weekdays from 8:00 am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (703) 305-1830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Joseph McArdle
Examiner
Art Unit 2132


GILBERTO BARRÓN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

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